# Renee McFarland, Deputy Public Defender 900 W 5th, Ste. 200 Anchorage, AK 99501 ALASKA PUBLIC DEFENDER AGENCY Email: renee mcfarland@alaska.gov Phone: 9

### IN THE SUPREME COURT OF THE STATE OF ALASKA

R.G.,

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Petitioner.

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Supreme Court No. S-18129

STATE OF ALASKA, DHSS, OCS, et.

Respondents.

Trial Case No. 3PA-20-00151/152/153/154CN

PUBLIC DEFENDER AGENCY,

Applicant,

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Supreme Court No. S-18120

SUPERIOR COURT,

Respondent.

Trial Case No. 3PA-20-00151/152/153/154CN

# MOTION TO UN-CONSOLIDATE PETITION FOR REVIEW AND ORIGINAL APPLICATION, TO PERMIT THE PUBLIC DEFENDER AGENCY TO WITHDRAW FROM THE PETITION FOR REVIEW, AND TO APPOINT CONFLICT-FREE COUNSEL TO REPRESENT R.G. IN THE PETITION FOR **REVIEW**

The Public Defender Agency docketed a petition for review on behalf of one of its clients, R.G., and an original application. Because the issues raised by the two matters are related, the Agency asked this court to consolidate the matters. For the reasons explained in the attached affidavit, the Agency is asking to withdraw from the petition for review and for this court to appoint conflict-free counsel to represent R.G. in the petition. Because the Agency can no longer ethically represent R.G., it asks this court to unconsolidated the cases, setting deadlines for conflict-free

ALASKA PUBLIC DEFENDER AGENCY Renee McFarland, Deputy Public Defender 900 W 5<sup>th</sup>, Ste. 200 Anchorage, AK 99501 Phone: 907.334.2670 | Fax: 907.334.4440 Email: renee.mcfarland@alaska.gov counsel to file the substantive petition for review on behalf of R.G. and for the Agency to file its original application.

This motion is supported by the attached affidavit of counsel.

ALASKA PUBLIC DEFENDER AGENCY

DATE 6/29/21

Linda R. Beecher

Deputy Public Defender Alaska Bar No. 8606041

Renee McFarland, Deputy Public Defender 900 W 5th, Ste. 200 Anchorage, AK 99501 Phone: 907.334.2670 | Fax: 907.334.4440 ALASKA PUBLIC DEFENDER AGENCY Email: renee.mcfarland@alaska.gov

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3	R.G.,	
4	Petitioner,	
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6	V.	Supreme Court No. S
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12	PUBLIC DEFENDER AGENCY,	
13	Applicant,	
14	V.	Supreme Court No. S
15	SUPERIOR COURT,	
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17	Respondent.	
17	Trial Case No. 3PA-20- 00151/152/153/154CN	
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#### AFFIDAVIT OF COUNSEL

#### VRA AND APP. R. 513.5 CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court. I further certify, pursuant to App. R. 513, that the font used in this document is Arial 12.5 point.

STATE OF ALASKA	)
	) ss
THIRD JUDICIAL DISTRICT	)

Linda Beecher swears:

- I am a deputy public defender in the civil section of the Public Defender 1.
- Agency in Anchorage.
  - 2. The facts set out in this motion are true to the best of my knowledge.

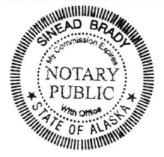
3. Th	ne Agency has a conflict that precludes its representation of R	≀.G. ir		
this matter. Th	ne Agency is moving to withdraw in the underlying trial court	t case		
because the Ag	ency's attempts to mitigate what began as a personal conflict for	or one		
its lawyers und	er Professional Conduct Rule 1.7(a)(2) were unsuccessful.	These		
efforts included filing a motion seeking to have conflict-free counsel appointed to Mr				
G to advise	e him regarding his allegations that the Agency attorneys had	beer		
ineffective and	reassigning the case to attorneys in the Anchorage office, inc	luding		
undersigned co	unsel. The newly assigned attorneys have attempted to work wi	ith Mr		
G howeve	er, he maintains that his prior and current attorneys are ineffe	ective		
Given Mr. G	concerns about the Agency's representation, it can no I	onge		
provide him rep	resentation consistent with the professional conduct rules			

4. Given the developments in the trial court case, the conflict is imputed to the entire agency under Professional Conduct Rule 1.10, and there is no lawyer in the Agency that can provide R.G. conflict-free representation in this matter.

> LÍNDA BEECHER (8606041) DEPUTY PUBLIC DEFENDER

Subscribed and sworn to before me on:

Jule 29,2021



Notary Public in Alaska
Commission expires with office

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 21, 2021, a true and correct copy of the foregoing document, **Motion to Consolidate**, was emailed to Ranchoff (AG), Demarest (AG), Levitt (OPA), Mackin (OPA), Meade (ACS). By: 5%